

REMARKS

I. Status of the Application

This amendment accompanies a Request for Continued Examination of the present application.

Of pending claims 1-4, 8, 11, 12 (Group I), and claims 14-31 (Group II) filed by the Applicants on June 28, 2007, Group I was provisionally elected and examined by the Examiner in the September 13, 2007 Office Action.

Pending claims 1-4, 8, and 11 and 12 stand rejected under 35 USC § 102(b) as being anticipated by USPN 6,007,775 to Yager (hereinafter Yager '775).

Pending claims 1-4, 8, and 11 and 12 stand rejected under 35 USC § 103(a) as being obvious in view of Yager '775.

The Applicants elect Group I claims without traverse to expedite prosecution of the present case, reserving the right to pursue the non-elected claims in a subsequent divisional application.

Elected claims 1 and 8 are amended herewith without the introduction of new matter.

Reconsideration of claims 1-4, 8, 11, and 12 is respectfully requested in view of the foregoing amendments and following remarks.

II. Amendment to the Claims

Elected independent claims 1 and 8 are herewith amended to recite the feature:

“depositing a reactive constituent at a stationary position within the finite volume diffusion channel between the first measurement probe and the second measurement probe”

This amendment is a reformulation of the same feature presented in the June 28, 2007 amendment and submitted to provide greater clarity. This feature is disclosed in Figs. 8, 9b, 10a, 11a, 12, and their corresponding descriptions of the specification.

III. Rejections under 35 USC §§ 102(b) and 103(a)

Claims 1 and 8 are each novel over Yager ‘775, at least in that Yager ‘775 does not disclose the feature of:

“depositing a reactive constituent at a stationary position within the finite volume diffusion channel between the first measurement probe and the second measurement probe”

As noted by the Examiner in the September 13, 2007 Office Action, Yager ‘775 discloses inlets positioned along the wall of the diffusion channel. However, such a disclosure does not anticipate the presently-recited feature in which the reactive constituent is deposited at a stationary position within the diffusion channel itself, as recited in claims 1 and 8. In Yager ‘775, the reactive constituent is positioned within a cavity 58. Furthermore, the reactive constituent must be in fluid motion when exiting the cavity 58 and when it is within the flow channel 20. Accordingly, the reactive constituent does not exist in the flow channel 20 at a stationary position, as recited in claims 1 and 8.

Furthermore, the operation of Yager '775 system depends on maintaining the laminar flow quality of the supplied streams (Yager '775, col. 11, lines 38-42). Depositing a reactive constituent at a stationary position within the flow channel 20 would create significant turbulence in the laminar streams flowing through the flow channel 20, and thus the skilled person would not have been motivated to modify the Yager '775 system to include such a feature.

Accordingly, as the cited art does not show the operation or structure in which a reactive constituent is deposited at a stationary position within the finite volume diffusion channel between the first measurement probe and the second measurement probe, claims 1 and 8 reciting this feature is novel thereover. Furthermore, because inclusion of this feature would compromise the operation of the Yager '775 system, the skilled person would have no motivation to modify the Yager system to include this missing feature. Thus, as the cited art neither discloses nor suggests the recited combination of features, including the operation of "depositing a reactive constituent at a stationary position within the finite volume diffusion channel between the first measurement probe and the second measurement probe," claims 1 and 8 reciting this feature is allowable thereover. Remaining claims 2-4 and 11-12 are dependent from independent claims 1 and 8, respectively, and accordingly, each is allowable for at least the same reasons.

Conclusion

The Applicant submits that the presently pending claims 1-4, 8, 11 and 12 are patentable over the prior art, and accordingly request the issuance of a Notice of Allowance in due course. Should the Examiner believe that an interview would expedite prosecution of the case, a telephone call to the Applicant's representative is invited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Clifford B. Perry". The signature is fluid and cursive, with a long horizontal stroke at the end.

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